

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

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C.A. No. 16-122-LPS

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**ORDER**

At Wilmington, this **18th** day of **June, 2018**:

For the reasons set forth in the Memorandum Opinion issued this date,

**IT IS HEREBY ORDERED** that:

1. IBM's motion for summary judgment of no invalidity of the asserted claims of U.S. Patent No. 5,961,601 in view of Amazon and no invalidity of claims 9, 10, 58, and 59 of the '601 patent (D.I. 208) is **DENIED**.

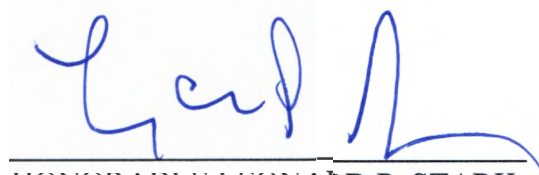
2. IBM's motion for summary judgment of no affirmative defenses of license, exhaustion, first sale, estoppel, covenant not to sue, and release (D.I. 211) is **GRANTED IN PART AND DENIED IN PART**.

3. IBM's motion for summary judgment of no anticipation by HyperCard and no obviousness in view of HyperCard and Terry for the asserted claims of U.S. Patent No. 5,796,967 (D.I. 214) is **GRANTED IN PART AND DENIED IN PART**.

4. IBM's motion for summary judgment of no anticipation by Morris and no obviousness in view of Morris and Xerox Star for the asserted claims of U.S. Patent No. 5,796,967 (D.I. 219) is **DENIED**.

5. Groupon's motion for summary judgment (D.I. 226) is **DENIED**.

6. Because the Memorandum Order has been filed under seal, the parties shall meet and confer and, no later than June 19, submit any proposed redactions to it. Thereafter, the Court will issue a public version.



HONORABLE LEONARD P. STARK  
UNITED STATES DISTRICT JUDGE